

REMARKS

I. Status of the claims

After entering this amendment, claims 1-13 and 15 will be pending. Claims 18 and 19 have been cancelled without prejudice or disclaimer. Claim 12 has been amended by reciting that the compound of formula II is obtained from the corresponding compound of formula IV by reaction with an excess of chlorosulphonic acid. Support for this amendment can be found, for example, in original claim 12.

II. Claim Rejections under 35 U.S.C. § 112, second paragraph

The Office rejected claim 12 under 35 U.S.C. § 112, second paragraph, as being indefinite, arguing that the claim does not recite the reagents needed to complete the reaction. Claim 12 has been amended as suggested by the Office. Accordingly, the rejection is now moot and Applicants respectfully request that it be withdrawn.

The Office also rejected claim 19 querying whether the recitation of “diabetes mellitus” was intended to encompass one specific type of diabetes or all types of diabetes. However, claim 19 was cancelled in this response and therefore this rejection is now moot. Applicants respectfully request that this rejection be withdrawn.

III. Claim Rejections under 35 U.S.C. § 112, first paragraph

The Office rejected Claims 18 and 19 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse. However, claims 18 and 19 were cancelled in this response and, therefore, this rejection is now moot. Applicants respectfully request that this rejection be withdrawn.

IV. Double Patenting rejection

The Office provisionally rejected claims 1-13, 15, 18 and 19 under the nonstatutory obviousness-type double patenting doctrine over claims 1-20 and 22-28 of copending U.S. Application No. 10/481,728, (“the 728 application”).

Applicants respectfully traverse this rejection because the instant claims are of a different scope from those in the ‘728 application, and would not have been suggested by the disclosure of the ‘728 application. However, with the sole purpose of expediting prosecution, Applicants are filing concurrently with this Response a Terminal Disclaimer, which shows common ownership of the ‘728 application and the instant application and should obviate this rejection. The filing of the Terminal Disclaimer is not an admission of the alleged obviousness of the instant claims in light of the claims in the ‘728 application. See, e.g., *Quad Environmental Technologies, Corp. v. Union Sanitary District*, 946 F.2d 870, 874 (Fed. Cir. 1991). Accordingly, Applicants respectfully request that this rejection be withdrawn.

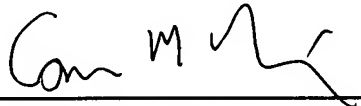
V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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